

MINUTES
UTAH
SUBSTANCE ABUSE COUNSELORS
BOARD MEETING

July 3, 2007

Room 475 – 4th Floor – 8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 8:30 A.M.

ADJOURNED: 11:05 A.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Ronald K. Wilkey
Kelly J. Lundberg, Ph.D.
Stephen R. Sheppard, Ph.D.
Joel Millard, Ph.D.

Board Members Absent:

Shawn M. McMillen, Chairperson
Patrick J. Fleming

Guests:

Dave Felt
Santiago Cortez, Association President

DOPL Staff Present:

F. David Stanley, Division Director

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Acting Chairperson

Dr. Kelly J. Lundberg volunteered to act as chairperson for this meeting due to the absence of Shawn M. McMillen, Chairperson.

MINUTES:

The minutes from the May 2, 2007 and June 13, 2007 Board meetings were deferred to the November 7, 2007 Board meeting.

APPOINTMENTS:

8:45 A.M.

Rules Review

Ms. Taxin explained that she and Dave Felt met a few weeks ago and wrote the Rules version that the Board

will review today. She stated that there was some confusion at the last Board meeting regarding the Law. Ms. Taxin explained that the Legislative website is the correct version of the 2007 Substance Abuse Counselors Law. She stated that each section has to be printed separately so the Division Administrative Assistant types the revisions in one document for the Division website. Ms. Taxin stated that there were some areas that were left in the 2007 Law that should have been deleted. She stated that corrections have been made and the Board now has the corrected version of the 2007 Law.

Ms. Taxin stated that she and Mr. Felt found there were still some problem areas that were not clear. She stated that they tried to have the changes in the Law classified as non-substantive so the Law would not have to be opened up again. Ms. Taxin informed the Board that she received feedback from Gay Taylor who deemed the changes are substantive and the Law will have to be opened again for the changes to be made.

Ms. Taxin recommended the Board review the proposed Rules revision for discussion today. She stated that the Board needs to determine what levels of supervision each classification of Substance Abuse Counselor needs to receive. Ms. Taxin stated she believes all levels require supervision of some sort.

Ms. Taxin stated that she talked with Brent Kelsey and had some questions regarding supervision and the definitions in the Law. She stated that she informed Mr. Kelsey that the Board was meeting today and would be discussing the issue of supervision. She stated that the Rules need to be clear regarding the expectation of the supervisor.

Ms. Taxin informed the Board that David Stanley, Division Director, has been given some guidelines regarding different levels of supervision and he will be meeting later today to present that information to the Board.

Ms. Taxin stated that if the Board agrees on most of the language in the proposed Rules then they can focus

on the specifics which are questionable. She informed the Board that Mr. Felt recommended deleting the Scope of Practice language in the Rules as the information is defined in the Law. She questioned if it might need to be left in the Rules for the Substance Abuse licensees to be very clear regarding their scope of practice.

Dr. Millard responded that he was of the opinion that the proposed Rules appeared to be clear to him except the supervision requirements.

Dr. Lundberg voiced agreement with Dr. Millard. She requested that R156-60d-102(3), the CAGE definition be clarified as to what CAGE stand for. Dr. Lundberg then stated that it is a quick screen instrument of 4 questions but it not used any more.

Dave Felt stated that CAGE is written in (3) and again in (12).

Dr. Lundberg recommended the CAGE definition be deleted from both places in the proposed rules.

Board members agreed that CAGE should be deleted from the proposed Rules.

Mr. Wilkey stated that he is questioning if R156-60d-601. Scope of Practice., should be deleted from the Rules. He stated that he understands that the information is in the Law but thinks it should also be left in the Rules.

Ms. Taxin stated that if the information is helpful it is appropriate to leave it in the Rules.

Dr. Sheppard commented that one of the problem areas in the field is the scope of practice.

Dr. Lundberg stated that the Law says Substance Abuse Counseling does not include and then lists what is not included.

Mr. Felt stated that the language in the Law made the scope of practice in the Rules appear to be redundant and that is why he recommended to delete it from the

Rules.

Following the review of the Definitions in the proposed Rules it was determined that the numbering would require adjusting.

Mr. Felt reviewed R156-302b(1)(c). Qualifications for Licensure – Experience Requirements., and reminded the Board that the ratio of supervision to hours worked was discussed at the last meeting where it was decided that 1 hour of supervision to every 20 hours worked was sufficient. He explained that the ratio of 1 hour to 20 hours is intended for people who had no experience or education and should be 1 hour to every 40 hours for more experienced practitioners.

Board members agreed.

Dr. Millard asked if R156-60b(5), “Formal classroom education” is a conflicting definition or a separate issue.

Ms. Taxin suggested R156-60b(5) be deleted because it was a reference to the old Law which was deleted.

The Board agreed.

Mr. Wilkey read R156-60b(8), “Initial Assessment” means the procedure of gathering psycho-social information, which may include the application of the Addiction Severity Index, in order to recommend a level of treatment and to assist the mental health therapist supervisor in the information collection process and may include a referral to an appropriate treatment program provided the treatment program mandates that a Substance Abuse Treatment Evaluation must be completed prior to implementation of a treatment plan. Mr. Wilkey recommended the definition be revised to read: “Initial Assessment” means the procedure of gathering psycho-social information, which may include the application of the Addiction Severity Index, in order to recommend a level of treatment and to assist the mental health therapist supervisor in the information collection process and may include a referral to an appropriate

treatment program.

Board members concurred.

Ms. Taxin asked if there were any other areas of concern in the definitions.

Board members responded that there were no other areas of concern in the definitions.

Ms. Taxin recommended the Board review and discuss general supervision and direct supervision.

Ms. Taxin asked if the LSAC's need to be supervised and if so, how much supervision should be required.

Mr. Felt responded that early in the process of changing the Law he met with the Board and discussed that the purpose in changing the Law was to increase the professionalism of the license and the profession. He stated that Mr. Cortez has explained to the Board that the LSAC people have completed education and experience. He stated that it was discussed that if there was going to be an increase in professionalism the LSAC should be treated like all other professionals. Mr. Felt stated that early licensees were being licensed without the education requirement and probably required more supervision but now everyone will have the education and should not require as much or any supervision. He stated that in his meetings with Brent Kelsey he explained that the profession wanted to go in the direction of no supervision for the LSAC.

Mr. Cortez responded that the LSAC is required to always function under a mental health therapy program. He stated that the Association wants LSAC's to start thinking of themselves as professionals. He stated that their experience is limited as they cannot be in private practice and must work in a mental health therapy agency.

Ms. Taxin reminded the Board, Mr. Felt and Mr. Cortez that the intent might be specific but if requirements are not spelled out in the Law or the Rule then the licensee's will not be able to practice as

intended.

Mr. Cortez stated that there should be supervision distinction between the different levels of licensing.

Dr. Lundberg recommended that the supervision be defined as 1 hour of supervision for x amount of hours worked. She explained that the supervisor and the Substance Abuse Counselor meet often for 10 minutes here and there regarding cases, reviewing notes, etc. She stated that the time spent should count toward the supervision requirement.

Ms. Taxin recommended the Rules clarify by saying 1 hour of supervision for every 40 hours worked and then explain what is appropriate. She stated that supervisees should be able to document over a period of time that they were supervised by the mental health therapist.

Mr. Cortez stated that the Board agreed to the supervision requirements prior to the Association writing the Law.

Ms. Taxin stated that the Law was not changed in 58-60-502(3) and 58-60-503 for some reason and that Brent Kelsey contacted her requesting her to explain the reasoning for wanting the Law changed.

Mr. Felt pointed out the in the Law under 58-60-502(7)(a) under general supervision was changed. He stated that changes were not made in all the areas requiring changes in error.

Mr. Cortez stated that he had a meeting with the Association members and explained that direct supervision will no longer be required. He stated that he was surprised that the direct supervision was part of the discussion today.

Dr. Lundberg responded that the Law requires direct supervision and the Board has to work with what the Law requires.

Ms. Taxin again asked if LSAC's need to be supervised and if they do need supervision, how much

supervision is needed. She stated that the Law will be opened to correct one section and the issue of supervision will be discussed at that time. She stated that the Board needs to decide what is really required so the Association and Board are of the same understanding.

The Board responded that LSAC's do need to be supervised.

Mr. Cortez asked if the requirement is in the Law.

Dr. Lundberg responded that the Law refers to general supervision and direct supervision.

Mr. Stanley joined the meeting.

Mr. Stanley stated that 3 weeks ago he appeared before the Legislative Administrative Rules Committee. He stated that one of their concerns was the term of licensure supervision. Mr. Stanley stated that supervisor and supervising terms are used throughout all our Laws and Rules and the Committee requested him to try to incorporate more uniform language for direct supervision, indirect supervision and general supervision. Mr. Stanley stated that he was given a global outline defining the 3 levels of supervising and assigned the Board and Ms. Taxin to review the Committee's definitions and report back to him with the Board's recommendation.

Dr. Lundberg asked if the Division has a preference regarding adopting the recommendations or leaving the language as it currently is written.

Mr. Stanley responded that supervision of a Contractor will be very different that supervision of a Doctor, Pharmacist, etc. He requested the Board to review the Global recommendation and respond to him regarding what is best for the Licensed Substance Abuse Counselors profession. He stated that he would like to return to the Committee and be able to say this is the type of supervision that works for these professions. Mr.

Stanley stated that the Board is compiled of licensed professionals and they know what is best for their specific profession.

Dr. Sheppard responded that there are some inconsistencies in the new Law. He stated that the Board could lean more toward direct supervision or lean more toward general supervision.

Ms. Taxin stated that Mr. Stanley has given the Board 3 definitions. She stated that the Board will review the definitions for supervision and decide if one of the definitions might work for the Substance Abuse Counselors profession.

Ms. Taxin informed the Board that the Rules must be completed by October 2007 or she will have to meet with the Committee to testify regarding why the Rules are not completed.

The Board read the 3 definitions.

Dr. Lundberg responded that she likes the definitions as they are vague and can be defined by the specific Substance Abuse Counselors Rules.

Ms. Taxin stated that if it does not say “as defined by Rule” then the language has to be adopted as written and cannot be changed for further defining. She stated that she and Mr. Felt defined general supervision in the draft as the Board requested in the last meeting and asked the Board to read the definition.

Mr. Wilkey read R156-60d-102(6) “General Supervision” means that the supervisor provides consultation with the supervisee by personal face to face contact, or direct voice contact by telephone or some other means within a reasonable time consistent with the acts and practices in which the supervisee is engaged.

Mr. Wilkey then read the Legislative Administrative Rules Committee definition R156-1-8-102.5(4)(c) “General Supervision” means that the supervising licensee: (i) has authorized the work to be performed by the person being

supervised; (ii) is available for consultation with the person being supervised by personal face to face contact, or direct voice contact by telephone, radio, or some other means, without regard to whether the supervising licensee is located on the same premises as the person being supervised; and (iii) can provide any necessary consultation within a reasonable period of time.

Dr. Lundberg stated that general supervision is a little different but she read it that the supervision may or may not occur.

Mr. Wilkey asked why there is a requirement in the Law for direct supervision.

Mr. Felt responded that direct supervision needs to be in the Law for the CSAC's, CSAC Intern and the CSAC Extern. He asked why the Board is going back over this issue as the intent was clear prior to changing the Law and everyone knew the intention of the Association in that full LSAC licensure needs general supervision and the training licenses will need direct supervision.

Ms. Taxin stated that Mr. Felt and Mr. Cortez are saying that the intent is clear but it is defined clearly in the Law to what the general supervision and direct supervision means.

Mr. Cortez stated that certain compromises were made to be sure the new Law went through. He stated that process took over 2 years to complete. Mr. Cortez stated that one compromise was to require education for everyone and another was to relax the supervision for the LSAC licensee. He stated that now the Board is trying to define concerns in supervision.

Dr. Lundberg commented that she believes direct, indirect and general supervision should be addressed later and the Board should decide what supervision needs to be before putting a name on the supervision. She stated that it appears Mr. Wilkey is of the opinion that supervision should be 1 hour for every 20 hours worked. Dr. Lundberg asked if the 1 hour should be broken up into

increments or should be 1 hour all at one time.

Mr. Wilkey responded that the 1 hour should be broken up into increments as there are team meetings, meeting to review case notes as needed, etc.

Dr. Millard stated that some licensees have been doing Substance Abuse Counseling for many years without any problems. He stated that the cases are reviewed at least every 90 days by a supervisor. Dr. Millard stated that he likes the idea of defining separately the trainee supervision from the LSAC supervision. He stated that he also agrees with loosening up the supervision to include staff meetings, group meetings, etc. Dr. Millard stated that he would also like clarification that the work assignments need to be driven by the mental health therapist supervisor.

Ms. Taxin asked if the Board would like the Rules to indicate that the mental health therapy supervisor provides 1 hour of supervision for every 20 hours worked and the supervision includes staffings, group meetings and can be broken up into increments of a specified amount at one time. She stated that the other 3 levels of Substance Abuse Counselors could then be under the direct face to face supervision. She stated that the Board will have to define what that supervision will be.

Dr. Sheppard responded that there is a lot of supervision that happens in the process of each day. He stated that it would be good for that time to count. He stated that those licensee's that are not as experienced, should have tighter supervision than the experienced LSAC.

Dr. Lundberg responded that the LSAC license is not an independent license and she believes it would be wise to be stronger in the supervision language requiring the training licensees to meet face to face weekly with their mental health therapy supervisor.

Ms. Taxin asked how the supervision will be

monitored. She stated that she should be able to go into an agency and ask for documentation and the LSAC, CSAC, CSAC Intern and CSAC Extern should be able to produce documentation of supervision.

Dr. Lundberg responded that anyone can sign off on supervision.

Ms. Taxin stated that there is a responsibility and accountability and if the supervisor is not reviewing information and just signs off then they are lying regarding the supervision.

Mr. Wilkey responded that he sees a lot of plans signed off by the LSAC and has to take action as it is against the Human Services Law for the LSAC to be signing as the supervisor.

Ms. Taxin stated that she is a little flexible on licensing people but there are so many Substance Abuse Counselors applicants that have legal issues.

Mr. Cortez stated that applicants show up in this profession as they have had legal issues in the past but not usually current legal issues.

Ms. Taxin stated that she knows these people are being supervised so she is not as worried about the legal issues. Ms. Taxin stated that the mental health therapy supervisor should know what the supervision is as they see the Substance Abuse Counselors and meet with them. She stated that the Board may maintain what they currently have or may define what they want the supervision to be as the Law is what it is right now and cannot be changed at this time.

Ms. Taxin explained that she and Mr. Felt defined general supervision as the Rules can only define what the Law currently gives authority to define.

Dr. Millard responded that the Legislative suggestions are too general.

Dr. Lundberg stated that the Board could be more specific in the Substance Abuse Counselors Rules definition and add to R156-60d-102(6) that the

supervision could include staffings.

Ms. Taxin asked how supervision would take place if the supervisor is in St. George and the facility is in Ogden.

Dr. Lundberg responded that the notes will still have to be reviewed and signed off by the supervisor.

Mr. Felt responded that the Law defines that an Approved Agency has to have a mental health therapist at the facility.

Dr. Lundberg stated that it should read that “General Supervision” means that the mental health therapist supervisor provides clinical care which should be a combination of time spent in direct face to face contact, treatment, case consultation and group supervision.

Mr. Felt stated that he and Mr. Cortez will have to go back to the Association Board and notify them of the supervision discussion as they were of the impression that the LSAC would function under the auspice of the agency and all others would be under direct supervision. He stated that the LSAC cannot be in private practice or work independently but based on the discussion today it appears that the LSAC will be less independent than anticipated. He stated that he will need to decide how to present it to the Association as they wanted the profession to be more professional and not have LSAC’s supervised.

Mr. Wilkey responded that having the Substance Abuse Counselor license is saying that you are a professional.

Ms. Taxin responded that the Social Service Worker, who has a Bachelor degree in Social Work, is required to have direct supervision and they are comparable to the LSAC licensee.

Mr. Wilkey asked why general supervision was not written in the Law.

Mr. Felt responded that it was decided that general supervision could be defined better by the Board.

Dr. Sheppard asked if the definition of general supervision accomplishes the safety of the public.

Mr. Felt stated that the definition does cover the way supervision takes place.

Dr. Lundberg stated that she believes it is a good idea to state that the supervision can be a combination of methods.

Mr. Felt agreed with Dr. Lundberg. He stated that he believes the 1 hour of supervision to 40 hours worked should be addressed.

Ms. Taxin read the area in question: A mental health supervisor provides clinical care and should be a combination of time spent in direct face to face contact, treatment, case consultation and group supervision.

Mr. Wilkey stated that it is general supervision in that the supervision may be obtained from different avenues and does not have to be all face to face.

Mr. Cortez agreed that the language is acceptable. He stated that he will present it to the Association and report back if there are any concerns or recommendations.

Mr. Wilkey asked how Ms. Taxin will know if supervisors are supervising properly.

Ms. Taxin responded that she does not go out and audit supervisors. She explained that if the Division received a complaint an investigator would go out to the facility, pull charts and review them. She stated that it is more of an honesty issue. Ms. Taxin reminded the Board that each licensee also signs at renewal time that they have read and understand the Laws and Rules

Dr. Sheppard commented that facility

documentation would not change.

Mr. Wilkey commented that facility charts have to be co-signed by the LSAC and the mental health therapist supervisor.

Dr. Lundberg stated that the progress notes do not have to be co-signed but most forms have an area for the signature of the supervisor.

Mr. Wilkey asked if reviewing the progress notes with the supervisor would count for part of the 1 hour of supervision.

Dr. Lundberg responded that it should.

Dr. Millard stated that rural areas might still have some difficulties. He stated that the new Law with its flaws is a great improvement.

Mr. Felt commented that there will still have to be a revision of the new Law.

Ms. Taxin stated that her staff might be able to say there is a new Law and there are some conflicts which should be changed in January 2008 when questioned by applicants.

Dr. Sheppard suggested Brent Kelsey and the Association be asked for input regarding making the corrections to be sure everyone understands what the changes need to be and why.

Ms. Taxin asked what the supervision should be for the CSAC, the CSAC Intern and the CSAC Extern.

Mr. Felt responded that these levels of licensure should be under direct supervision.

Mr. Wilkey asked if LSAC's are supervising the other levels of Substance Abuse Counselors with no specific supervision for the LSAC.

Dr. Lundberg responded that he is correct. She explained that the LSAC supervising the other levels needs to meet with the mental health

therapist for no less than 30 minutes to review information, to staff cases, etc.

Dr. Millard stated that the LSAC would meet with the mental health therapist who is in charge of each specific case and that mental health therapist would be monitoring the LSAC.

Mr. Felt stated that he did not believe that there is anything that will impact writing the application.

Ms. Taxin responded that there is an impact on the application as there are the different tracks that will need to be defined.

Mr. Felt reminded the Board and Ms. Taxin that all experience hours will have to be earned while licensed after January 1, 2008.

A meeting was scheduled for July 25, 2007 at 8:30 am to review the recommended revisions to the proposed Rules.

NEXT MEETING SCHEDULED FOR: July 25, 2007

ADJOURN: The time is 11:05 am and the meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

July 25, 2007
Date Approved

(ss) Shawn M. McMillen
Chairperson, Utah Substance Abuse Counselors
Licensing Board

July 18, 2007
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing